

MEETING NOTES  
REGULATORY ISSUES TASK GROUP #3  
NOVEMBER 22, 1999

**Task Group Members Present:** Ileene Anderson, Margie Balfour, Mike Connor, Tom Dailor, Mark Dedon, Mike DeKeyrel, Mark Ellis, Jeri Ferguson, Al Guzman, Michael Hogan, Grant Jensen, Peter Kiriakos, Becky Jones, Lowell Landowski, Lois Landrum, Brad Mitzelfelt, Mickey Quillman, Bob Rudnick, Christopher Rumm, Randy Scott, Jim Schroeter, Ron Scott, Frank Sheets, Robert Strub, Bill Standard, Hector Villalobos, Ed Waldheim, Ric Williams.

**Agenda Item #1 Tasks/Topics**

The Task Group opened their meeting by trying to distinguish those issues that were assigned to the Implementation Task Group from those assigned to the Regulatory Issues group. The Group proceeded to develop a list of the topics that it felt should fall under the rubric of regulatory issues. This list would then be compared to the list developed by the Implementation Task Group. The Steering Committee could then decide how to appropriately allocate topics between the two groups. At this juncture, the group decided to focus on issues pertaining to 1) legal mandates for all of the relevant oversight agencies that would have to be addressed for the Plan to be adopted and 2) the regulatory framework that would have to be established for the Plan to be implemented. They suggested that the Implementation Task Force address the management aspect of Plan implementation. Below is a list of the information needs identified by the group followed by the topics that would be addressed in the Task Group recommendations. Topics that might overlap with those listed by the Implementation Task Group are in italics.

*Information needs:*

- FESA and CESA: do they apply equally to federal and private land
- NEPA and CEQA limits of authority (programmatic vs project level decisions)
- Matrix/List of current regulatory mandates and requirements i.e. What is the current regulatory flow chart
- Implementing directives- regulations and ordinances; what exists and what needs to be created
- Air quality and water quality agency interface
- Transportation system interface/RS2477 status/adjudication
- Condemnation authority and how currently used
- "One Stop Shopping"- ( how have other HCPS organized or addressed "one stop shopping") and *who is the manager?*

*Topics to be considered in recommendations*

- Plan's compliance with ESA, CEQA; relationship to ITP, B.O., 404, 401, SMARA
- "Environmental Justice" considerations e.g. implications for low cost housing
- Covered Actions, Activities and Programs
- "One Stop Shopping" Permits by jurisdictions- which are required, which overlap; how to

handle overlap ( create mechanisms for cross linkages including specific implementing regulations if do not already exist

- What should the flow chart look like under the West Mojave Plan?
- "No surprises"/"safe harbors"
- *City and County Mitigation- how provided/ how much (mitigation of private land impacts?)*
- *Monetary fees/land as a form of mitigation*
- *Private land surrounded by public land (BLM purchase as mitigation)*
- Cumulative Impacts Analysis
- Way permitting process will operate e.g. CUP process and interface with other permits
- What is discretionary? *What are thresholds" for fees* (county and city procedures)
- Condemnation authority - if and how?
- Compensation for Plan "taking"
- *Exemptions*
- *Opt Out (ramifications if not covered by the Plan)*
- Public and private vested rights. How will these existing rights interface with Plan prescriptions
- *Tracking systems- fees, banking*
- *Grandfathering*
- *Hold Harmless Agreements*

## **Agenda Item #2 Schedule; Housekeeping**

1. The Task Group decided that the April 3 deadline was not realistic, but they should keep this date as a target.
2. Lowell Landowski agreed to serve as the contact person for this month only since he will already be attending the Steering Committee meeting on November 30. Randy Scott will serve as contact person for the next timeframe.
3. Bill Haigh will provide the Task Group with information on how other plans have addressed the regulatory issues identified by the Group. He is already doing similar research for the Implementation Task Force on other HCPs. This information will be provided to the group in advance of the meeting. The focus at the next meeting will be to become familiar with the various regulatory requirements that must be met how other plans have addressed the various overlapping mandates. However, information on all of the other topics will be included in the information packet. Several members will consult with their own agencies to get a handle on current opportunities/constraints for local governments in the West Mojave area.

There was also a question about whether a BLM attorney would consult with the group to address some of the initial information matters and later on with respect to development of recommendations. Bill Haigh indicated that this was possible and he would contact the appropriate individuals.

4. THE TASK FORCE WILL MEET NEXT ON DECEMBER 16TH AT 1:30 P.M. in

RIVERSIDE.